A.F.R. 24

HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 5944 OF 2005

PETITIONER Shayam Lal Saraf S/o Late Shri Balbhadra Saraf, aged about 75 years, Occupation – Agriculturist, R/o-Village – Bamhanideeh, Tehsil & District – Janjgir-Champa (C.G.)

Vs.

RESPONDENTS

1. The State of C.G. Through the Secretary, Department of Home, Mantralaya D.K.S. Bhawan, Raipur District Raipur (C.G.)
2. The District Magistrate & Collector, District Korba (C.G.)
3. The Superintendent of Police District-Korba (C.G.)
4. The Station House Officer, Police Station Balco Nagar, District – Korba (C.G.)

Present: Mr. F.S. Khare, learned counsel for the petitioner.
Mr. Yashwant Singh, learned G.A. for the State.

ORAL ORDER

(Passed on 13th January, 2006)

The petitioner is the father of a person, Nagesh Saraf by name. That Nagesh Saraf had licence of a gun 22 Bore No.42281 riffle. Nagesh Saraf died on 15.05.1997. Even before his death, in certain criminal proceedings, the gun was surrendered to the District Magistrate – Licensing Authority. After the date of death of Nagesh Saraf, the gun has been in the custody of the District Magistrate.

(2) After the demise of Nagesh Saraf, the petitioner made an application on 15.05.1997 to the District Magistrate and Collector, Bilaspur requesting the latter that licence earlier granted to his son be transferred

in his name and the gun should be returned to him. The District Magistrate and Collector, Bilaspur did not accede to the above request of the petitioner. In the circumstance, this writ petition is filed seeking intervention of this Court.

(3) Having heard the learned counsel for the parties, I do not find any semblance of legal right in the petitioner to seek mandamus to the District Magistrate, Bilaspur to transfer the licence earlier granted to his son in the name of the petitioner. If the petitioner wants an arm independently, he is required to make an independent application to the District Magistrate and seek licence to possess such arm on any permissible grounds. The arm granted to Nagesh Saraf, the son of the petitioner, is not an inheritable property or right. On that short ground, the writ petition is dismissed. However, this order shall not come in the way of the petitioner from making an independent application to the District Magistrate for grant of a fresh licence to own an arm. No costs.

Sd/-
Chief Justice